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TAGS: [KTIP](#) [ELAB](#) [KCRM](#) [KPAO](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [ES](#)
SUBJECT: EL SALVADOR -- 2009 TIP REPORT: PRESS GUIDANCE
AND DEMARCHE

REF: A. STATE 59732
[1](#)B. STATE 005577

[1](#)1. This is an action cable; see paras 5 through 7 and 10.

[1](#)2. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

[1](#)3. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of El Salvador of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of El Salvador and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/precede the Secretary's release at 10:00 am EDT on June 16.

[1](#)4. The entire TIP Report will be available on-line at shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP,s Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

[1](#)5. Action Request: No earlier than OOB local time Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of El Salvador of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

[1](#)6. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing

the framework in which the government's performance will be judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

¶7. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

¶8. Begin Final Text of El Salvador,s country narrative in the 2009 TIP Report:

EL SALVADOR (TIER 2)

El Salvador is a source, transit, and destination country for women and children trafficked for the purposes of commercial sexual exploitation and forced labor. Most victims are Salvadoran women and girls trafficked within the country from rural to urban areas for commercial sexual exploitation, although some adults and children are trafficked internally for forced agricultural labor. The majority of foreign victims are women and children from Nicaragua, Honduras, Guatemala, Mexico, and Colombia who travel to El Salvador in response to job offers, but are subsequently forced into prostitution or domestic servitude. Some adults and children from neighboring countries are subject to forced labor in agriculture and apparel assembly. Salvadorans have been trafficked to Guatemala, Mexico, Belize, the United States, Spain, and Italy, for commercial sexual exploitation.

The Government of El Salvador does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government sustained strong anti-trafficking prosecution, protection, and prevention activities, though it neglected to take adequate measures to protect adult trafficking victims and to confront trafficking-related corruption.

Recommendations for El Salvador: Continue to strengthen law enforcement efforts against trafficking offenders; investigate and prosecute, as appropriate, reports of forced labor and domestic servitude, as well as allegations relating to public officials who may be involved with trafficking activity; increase use of pro-active law enforcement techniques such as brothel raids to rescue victims; increase victim services and assistance, particularly for adults; and strengthen statutory penalties for trafficking-in-persons crimes.

Prosecution

The Government of El Salvador sustained solid law enforcement efforts against trafficking offenders during the reporting period. Article 367B of the Salvadoran Penal Code prohibits all forms of human trafficking and prescribes penalties of four to eight years, imprisonment. Sentences may be increased by one-third when the offense is accompanied by aggravated circumstances, such as when the victim is a child or the defendant is a public official. Such penalties are sufficiently stringent but do not appear commensurate with penalties prescribed for serious offenses such as rape, which carries a punishment of six to 20 years, imprisonment. Since passage of El Salvador,s anti-trafficking statute in 2004, some prosecutors have elected to charge trafficking-related crimes under the country,s rape statute in order to secure heavier mandatory sentences against offenders. In 2008, the government,s dedicated anti-trafficking police and prosecutorial units brought charges in 15 cases of human trafficking, obtaining 8 convictions with sentences ranging from four to 10 years, imprisonment. Such results compare with 46 prosecutions and

five convictions secured in 2007. The majority of the government's law enforcement efforts focused on trafficking for the purpose of commercial sexual exploitation, though a smaller number of cases related to forced labor. During the reporting period, police conducted undercover trafficking investigations and acted on trafficking-related tips to execute raids on brothels and commercial sex sites. The government also cooperated with neighboring foreign governments on anti-trafficking investigations. Despite credible reports of public officials involved with trafficking activity, particularly in the department of Chalatenango, no investigations or prosecutions of such officials were opened during the reporting period.

Protection

The Salvadoran government increased victim assistance last year. With U.S. and international assistance, the government re-opened a dedicated shelter for trafficking victims in January 2008. The shelter houses approximately 20 child trafficking victims. The country's federal agency for children and adolescents, ISNA, also operated a national network of 11 shelters to provide secure housing, 24-hour medical attention, psychological counseling, and vocational workshops to victims of abuse, including trafficking victims.

However, most government assistance and services were directed to child trafficking victims, and were not readily accessible to adult or male trafficking victims. NGOs noted that government support services typically cease once a victim leaves shelter care, and that trafficking victims could benefit from greater reintegration assistance. The government trained personnel, including consular officers, on identifying trafficking victims abroad; consular officials identified four trafficking victims during the reporting period. Domestically, Salvadoran authorities encouraged victims to assist with law enforcement efforts; 57 victims participated in the investigation and prosecution of their traffickers during the reporting period, though others did not do so due to social stigma or fear of reprisals from their traffickers. Victims generally are not charged, jailed, or penalized for unlawful acts committed as a direct result of being trafficked. The government does not provide a formal legal alternative to deportation to a country where a trafficking victim may face hardship or retribution, though law enforcement and social service officials may request residency status for a victim on a case-by-case basis.

Prevention

The Salvadoran government sustained anti-trafficking prevention efforts during the reporting period. The government ran information and education campaigns, and operated an anti-trafficking hotline. During the reporting period, the government trained more than 5,000 officials across the country on preventing human trafficking. Border agents received training to detect trafficking activity and irregular migration patterns, and referred identified trafficking cases for further police investigation. Salvadoran troops assigned to peacekeeping operations receive anti-trafficking training before deployment. No specific government efforts to reduce demand for commercial sex acts or forced labor were reported over the last year.

19. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in

Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of

trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website.

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau,s EX office.

11. The following is press guidance provided for Post to use with local media.

Q1: Why was El Salvador given a ranking of Tier 2?

A: The Government of El Salvador does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government sustained strong anti-trafficking prosecution, protection, and prevention activities, though it neglected to take adequate measures to protect adult trafficking victims and to confront trafficking-related corruption.

Q2: What is the nature of El Salvador,s trafficking problem?

A: El Salvador is a source, transit, and destination country for women and children trafficked for the purposes of commercial sexual exploitation and forced labor. Most victims are Salvadoran women and girls trafficked within the country from rural to urban areas for commercial sexual exploitation, although some adults and children are trafficked internally for forced agricultural labor. The majority of foreign victims are women and children from Nicaragua, Honduras, Guatemala, Mexico, and Colombia who travel to El Salvador in response to job offers, but are subsequently forced into prostitution or domestic servitude. Some adults and children from neighboring countries are subject to forced labor in agriculture and apparel assembly. Salvadorans have been trafficked to Guatemala, Mexico, Belize, the United States, Spain, and Italy, for commercial sexual exploitation.

Q3: How can El Salvador improve its anti-trafficking efforts?

A: To advance its efforts to combat human trafficking, the Government of El Salvador could: continue to strengthen law enforcement efforts against trafficking offenders; investigate and prosecute, as appropriate, reports of forced labor and domestic servitude, as well as allegations

relating to public officials who may be involved with trafficking activity; increase use of pro-active law enforcement techniques such as brothel raids to rescue victims; increase victim services and assistance, particularly for adults; and strengthen statutory penalties for trafficking-in-persons crimes.

¶12. The Department appreciates posts, assistance with the preceding action requests.

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